



NEWS RELEASE

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SUBJECT: Committee considers shoreland protection options
Structure setbacks, buffers on tap Jan. 30

MADISON, Wis. – After a series of introductory meetings, work begins in earnest Jan. 30 to update 35-year-old state shoreland protection rules intended to protect water quality, fish and wildlife habitat and natural scenic beauty along lakes and rivers. The citizen advisory committee helping revise the rules will meet at the University of Wisconsin at Stevens Point to debate alternatives for how far structures need to be set back from the water's edge and what kind of activities and uses – structures, lawns, mowing, brush or tree clearing – will be allowed in the resulting buffer area.

“The issues the committee discusses Jan. 30 -- building setbacks and buffers -- are the core of Wisconsin's shoreland protection rules,” says Al Shea, who directs the Department of Natural Resources Watershed Management Bureau and chairs the advisory committee. “They're where we can provide the most benefit to the shoreland system: to wildlife, to fish, to water quality and to scenic beauty.

“The setbacks and buffers issue also will provide the framework against which we'll balance increased flexibility for property owners,” Shea says, noting that the overall goal of the rule revision is to balance increased flexibility for property owners' use of their land in exchange for increased shoreline protection.

Lawmakers in 1966 passed the Water Resources Act, authorizing DNR to write the rules to “further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life, control building sites, placement of structure and land uses and reserve shore cover and natural beauty,” according to 281.31 Wisconsin Statutes. The resulting shoreland protection rules, found in NR 115 of the Wisconsin Administrative Codes, set statewide minimums in unincorporated areas for lot sizes, how far structures are set back from the water's edge, and limits on removing trees and other plants. Counties are required to adopt, administer and enforce these statewide minimum standards or can choose to adopt more protective standards.

A 1997 review funded by the U.S. Environmental Protection Agency concluded that Wisconsin's standards were inadequate to meet the 1966 legislative charge and were overwhelmed by the rapid pace of development along northern lakes. In addition, a growing body of research on buffers shows that Wisconsin's minimum requirements aren't adequate to protect wildlife habitat, water quality and scenic beauty. [Both the 1997 Shoreland Management Program Assessment," and three literature reviews of research on buffers can be found on the DNR Web page; use the main page "go to some topics" dropdown menu or the search button and keywords "shoreland management."]

"Scientific information in Wisconsin and nationwide have shown that wider buffers are needed, or that better managed buffers are needed to protect water quality and provide wildlife habitat," says Carmen Wagner, the DNR shoreland specialist who is the lead person working on setbacks and buffers. "Our goal is to find ways to increase that protection and to remedy other problems with the existing setback and buffer standards."

The existing setback standard requires that all buildings and structures, except piers, boat hoists and boathouses, be set back 75 feet from the ordinary high water mark. Within the first 35-foot from the ordinary high water mark, people are prohibited from clear-cutting trees and shrubbery except for 30-feet in every 100 feet of frontage.

On Jan. 30, advisory committee members will hear presentations about current setback distance and buffer rules and alternatives to those existing standards, Wagner says. They'll get the chance to amend or add options to the list, and will be asked to provide feedback on which options they favor.

"By the end of the day, we hope to have an idea of which broad concepts the committee members like," she says. "These will be the concepts we take to public listening sessions later this year to get feedback from the general public before we develop the rules that carry out the concepts."

Alternatives presented to the advisory committee generally will seek to clarify what activities property owners can pursue in the "primary" buffer, the area next to the high water mark that is most important in protecting water quality and wildlife habitat. An adjacent "secondary buffer" would allow more activities and less protective management. "We want to gain more protection for the resource but we realize people want to have lawns, access to the water, and pursue typical family lifestyles," Wagner says.

Options presented to the committee will include a range of differing buffer widths, including the current 75-foot buffer, and different proportions of primary and secondary buffers. The options also seek to make it easier for people to add a handicap access ramp to their home or add landscaping retaining walls above the ordinary high water mark without being required to get a variance from the county, Wagner says.

And the setback and buffer options presented to the advisory committee also seek to be consistent with standards required in other state rules governing activities along waterfronts, such as the new runoff reduction rules that became effective October 2002.

“We’re trying to make it easier for landowners to be sound stewards of their land and to accommodate some changes they want to make on their property,” Wagner says. “The overall goal is to balance increased flexibility for property owners in exchange for increase shoreline protection.”

Starting later this week, people can find a list of the current setback and buffer standards, as well as alternatives that will be presented to the committee, on the DNR Web site:

<<http://www.dnr.state.wi.us>> (use the “go to some topics” drop down menu and click on “shoreland management” then click on the “rule revision” button).

Citizens can submit written or e-mail comments to ToniHerkert@dnr.state.wi.us or Toni Herkert, DNR, WT2, PO Box 7921, Madison, WI 53707, on which alternatives they favor, and are encouraged to share their remarks on buffers and other shoreland standards at the public listening sessions tentatively planned statewide for later this year.